THE HONOURABLE SRI BILAL NAZKI

THE ACTING CHIEF JUSTICE

AND

THE HONOURABLE SRI JUSTICE

R.SUBHASH REDDY

WRIT PETITION No. 17427 OF 2004

Dated 22nd November, 2005

Between:

N.Manohar

… Petitioner

And

The Registrar (Admn.), A.P.High Court,

Hyderabad and another.

… Respondents.

ORAL ORDER:

(per Honourable Sri Bilal Nazki, the Acting Chief Justice)

Heard learned counsel for the petitioner. Nobody appeared for respondents.

The writ petitioner challenged the order of dismissal passed on 27.7.2001. In the departmental enquiry, the following two charges were framed against him:

> "**CHARGE No-I:**
>
> That you, Sri N.Manohar, driver in the court of the Chief Judge, Small Causes Court, Hyderabad, remained unauthorizedly absent to duty for two i.e. on 16-6-1999 and 17-6-1999 without submitting any application for grant of any kind of leave or intimation and thereby caused inconvenience to the office work and that your act constitutes indiscipline, gross carelessness to duty and misconduct and you have thereby violated rule 3 of the A.P. Civil Services (Conduct) Rules, 1964 and became liable for punishment under Rule 9 of APCS (Classification, Control and Appeal) Rules, 1991.

CHARGE No.-II

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That for your unauthorized absence to duty on 16-6-99 and 17-6-99, absence was marked by the in-charge Chief Judge, in the attendance register against your name, but, you signed in the attendance register on the said dates over the absent mark without the knowledge or permission of your superiors which fact you admitted in your explanation dated: 3-7-99 submitted to the Chief Judge, CSCC, Hyderabad pursuant to the official memo issued vide Dis.No. 2154/99 dated 30-6-99 and that your act thereby constitutes indiscipline and grave misconduct and you thereby violated rule 3 of A.P. Civil Services (Conduct) rules, 1964 and became liable for punishment under rule of A.P. Civil Services (Classification, Control and Appeal) Rules, 1991."

Both the charges have been proved against him. Appeal was also preferred and the same was rejected. There is no allegation of violation of any rules during the conduct of the enquiry, though it is submitted that the enquiry was conducted in the absence of the delinquent petitioner. But, it is a fact that he was called to participate in the enquiry and on his own choice, he did not participate in the enquiry, which is also not disputed by the petitioner. He stated that he was issued a show-cause notice on 17.5.2001 and he submitted his explanation on 16.6.2001 and there is no allegation even in the writ petition that he was not given any chance to represent the petitioner before the enquiry. On the other hand, he has stated that when he remained absent, he was set ex parte on 11.1.2000 and that the witnesses were examined and Exs. A1 to A9 were marked. The second charge being serious in nature as it pertains to tampering of the record, this Court under Article 226 of the Constitution of India has a limited jurisdiction and cannot re-appreciate the evidence collected during the enquiry. For these reasons, we do not find any merit in the writ petition and the same is accordingly dismissed. No costs.

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(BILAL NAZKI, ACJ.)

22.11.2005.

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(R.SUBHASH REDDY, J)

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